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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2131

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924

Please find below and/or attached an Office communication concerning this application or proceeding.

28

Office Action Summary

Application No.

09/389,299

Applicant(s)

KOBAYASHI ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The amendment filed on 24 October 2003 is noted and made of record.
2. Claims 1 through 22 are presented for examination.
3. Claims 12 and 14 have been cancelled as per Applicant's request.

Response to Arguments

4. Applicant's arguments filed 24 October 2003 have been fully considered but they are not persuasive.

5. With regards to the Applicant's arguments that *Hisatake* does not disclose a setting means for setting a pause condition of a job, the Examiner respectfully disagrees. The Examiner refers to the last paragraph on page 11 wherein the Applicant acknowledges *Hisatake*'s teaching of a wait state. The Examiner refers to <http://dictionary.reference.com> for a clearer definition of the term pause, which is defined as:

To cease or suspend the action of temporarily.

The Examiner further sought the definition of the term wait, which is defined as:

To remain or be in readiness

OR:

To remain temporarily neglected, unattended to, or postponed.

Still, for more clarification the Examiner refers to <http://thesaurus.reference.com>, which defines pause in one word, wait, before it goes onto list a plurality of synonyms for the term pause.

The Examiner kindly directs the Applicant's attention to MPEP § 2131, in particular the discussion of *ipsissimis verbis*. *Ipsissimis verbis* states that the elements of the invention must be arranged as required by the claim regardless of the identity of terminology. In other words, the

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fact that *Hisatake* does not use the same terminology as the Applicant, yet teaches the elements of the claim language, is not enough to distinguish the instant application over the prior art.

6. Concerning the Applicant's arguments that *Hisatake* does not teach the limitations pause means for making an execution of at least one of the plurality of jobs satisfying the pause condition independent of the remaining plurality of jobs in response to a predetermined event and pause means for making an execution of at least one of the plurality of jobs satisfying the second condition pause independent of the remaining plurality of jobs in response to the predetermined event, the Examiner respectfully disagrees. It is unclear to the Examiner what the Applicant believes is the patentable distinction that the term "independent" provides over the prior art. Again, for the sake of clarification the Examiner refers to

<http://dictionary.reference.com> for the definition of independent, which is defined as:

Free from the influence, guidance, or control of another or others,

OR:

Not determined or influenced by someone or something else.

In other words, independent means not having to rely on or compete with others. As the

Applicant cites on page 11 of the amendment, *Hisatake* recites in column 15, lines 36 through 41 that:

The reason why these two jobs are processed in parallel is that although all the jobs with job numbers 1-6 require printout processing in the image output section 14 in Fig. 2, the job with job number 7 may be processed in the communication control section 20 and can be processed without contending with any other jobs (Emphasis added by Applicant).

If the jobs are being processed without contention from any other jobs there would be no race conditions, deadlocks, or need for semaphores. Therefore, the jobs are being processed without influence from any other job, and are thereby independent of the remaining plurality of jobs.

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7. As per the Applicant's arguments that *Hisatake* does not teach a stop means for stopping the job satisfying the first condition in response to the predetermined event, the Examiner kindly disagrees. As the Applicant was unclear about the nature of the stop means for stopping the job, the Examiner provided for two different methods of a stopping means in citing the STOP key and the CANCEL key. The STOP key as taught by *Hisatake*, in column 13, lines 47 to 55, provides for a method to temporarily stop the job and alter the setup contents of the job being processed. The CANCEL key as taught by *Hisatake*, in column 14, lines 18 to 26, provides for a way to stop a job and delete it. In either case, the Examiner believes *Hisatake* provides for a stop means for stopping the job satisfying the first condition in response to the predetermined event.

8. See further rejections that follow.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1 through 9, 11, and 15 through 22 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,669,040 to Hisatake, hereinafter Hisatake.

11. As per claim 1, Hisatake teaches a job execution control apparatus, comprising:

execution means for executing a plurality of jobs in a parallel manner (column 15, lines 36-41);

setting means for setting a pause condition of a job (Figures 6, 7 [blocks U12a], 8 [blocks U12a, L2, L3, L4], 9 [block SU5], 10 [blocks SU21, SU28], 11, 12 [block S31, S34], 14, 16, 24a, 24b, 24c, 25 [blocks U51b], 28 [block S105]; column 12, lines 48-53; column 13, lines 15-20);

store means for storing the pause condition set by the setting means (Figure 20 [block 102]; column 13, lines 15-25; column 14, lines 35-60; column 22, lines 28-35);

pause means for making an execution of at least one of the plurality of jobs satisfying the pause condition independent of the remaining plurality of jobs in response to a predetermined event (Figures 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12 [block S34], 28 [blocks S102, S104, S115, S116]; column 13, lines 30-62; column 16, lines 11-23);

a display for displaying the pausing job made to pause by the pausing means (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39);

specifying means for specifying at least one job among the pausing jobs displayed on the display (Figures 7 and 8 [blocks U12a, U12c], 9 [block SU4], 10 [block SU27], 14 [block U34c], 16, 23 [block SO4], 25 [block U25c], 26 [block U62c], 27 [block U72d]; column 13, line 62 to column 14, lines 17; column 15, lines 20-33).

12. Regarding claim 2, Hisatake teaches a means for stopping the specified job (Figures 7 and 8 [block U12b], 9 [block SU5], 10 [blocks SU21, SU28], 14 [block U34b], 16 [block U34b], 25 [block U52b], 26 [block U62b], 27 [block U72c]; column 13, lines 15-20).

13. With regards to claim 3, Hisatake teaches a means for restarting the specified job (Figures 7 and 8 [block U12c], 9 [block SU6], 10 [blocks SU22, SU29], 14 [block U34c], 16 [block U34c], 25 [block U52c], 26 [block U62c], 27 [block U72d]; column 13, lines 15-20).

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14. As per claim 4, Hisatake teaches that wherein the condition of the job which is directed to the pausing job is specified by a kind of the job (Figures 7 and 8 [blocks L1, L2, L3, L4], 14 [blocks U31, U32, U33, U34e]; column 17, line 45 to column 18, line 5).

15. With regards to claim 5, Hisatake teaches wherein the condition of the job which is directed to the pausing job is specified by a parameter of the job (Figure 27 [block U72b]; column 13, lines 30-62).

16. As per claim 6, Hisatake teaches wherein the display displays only the pausing job (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39).

17. As per claim 7, Hisatake teaches wherein the display displays jobs other than the pausing job (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39).

18. Regarding claim 8, Hisatake teaches the predetermined event is an instruction input operation from the user (Figures 7 and 8 [blocks U12a], 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12, 22, 28; column 13, line 56 to column 14, line 17).

19. As per claim 9, Hisatake teaches the means for setting an additional condition under which the job pauses in addition to the condition set by the condition setting means (Figures 7

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and 8 [blocks U12a], 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12, 22, 28; column 13, line 56 to column 14, line 17).

20. As per claim 11, Hisatake teaches a job execution control apparatus comprising:
execution means for executing a plurality of jobs in a parallel manner (column 15, lines 36-41);

store means for storing a first condition satisfied by a job which is stopped without any restriction in response to a predetermined event and a second condition satisfied by a job which pauses in response to the predetermined event (Figures 6, 7 [blocks U12a], 8 [blocks U12a, L2, L3, L4], 9 [block SU5], 10 [blocks SU21, SU28], 11, 12 [block S31, S34], 14, 16, 24a, 24b, 24c, 25 [blocks U51b], 28 [block S105]; column 12, lines 48-53; column 13, lines 15-20);

stop means for stopping the job satisfying the first condition in response to the predetermined event (Figures 7 and 8 [blocks U12b, U12d], 9 [blocks SU5, SU7], 10 [blocks SU21, SU28, SU30], 14 [blocks U34b, U34d], 16 [blocks U34b, U34d], 25 [blocks U52b, U52d], 26 [blocks U62b, U62d], 27 [blocks U72c, U72e]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26);

pause means for making an execution of at least one of the plurality of jobs satisfying the second condition pause in response to the predetermined event (Figures 7 and 8 [blocks U12a], 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12, 22, 28; column 13, line 56 to column 14, line 17);

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a display for displaying at the pausing jobs made to pause by the pause means (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39); and

means for designating at least one job from the pausing jobs to stop, or restart the designated job (Figures 7 and 8 [block U12b], 9 [block SU5], 10 [blocks SU21, SU28], 14 [block U34b], 16 [block U34b], 25 [block U52b], 26 [block U62b], 27 [block U72c]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26).

21. Regarding claims 15 and 20, Hisatake teaches wherein the store means further stores an attribute of a job which is directed to a pausing job (column 13, line 47 to column 14, line 6).

22. Regarding claim 16, Hisatake teaches further comprising:

means for notifying at least an identifier of the pausing job in response to a predetermined event (Figures 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12 [block S34], 28 [blocks S102, S104, S115, S116]; column 13, lines 30-62; column 16, lines 11-23);

means for stopping at least one job instructed by the instruction apparatus among the pausing jobs (Figures 7 and 8 [block U12b], 9 [block SU5], 10 [blocks SU21, SU28], 14 [block U34b], 16 [block U34b], 25 [block U52b], 26 [block U62b], 27 [block U72c]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 7-27).

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23. Regarding claim 17, Hisatake teaches wherein the display is provided with a touch panel function for displaying information related to one job that is being executed (Figure 8 [block U2]; column 12, lines 54-67).

24. As per claim 18, Hisatake teaches a document processing job execution control apparatus, comprising:

means for executing a plurality of document processing jobs including a copy job, a print job, and a facsimile job in a parallel manner (column 1, lines 12-15; column 15, lines 33-49);

setting means for setting a pause condition of a job except for a facsimile job (Figures 6, 7 [blocks U12a], 8 [blocks U12a, L2, L3, L4], 9 [block SU5], 10 [blocks SU21, SU28], 11, 12 [block S31, S34], 14, 16, 24a, 24b, 24c, 25 [blocks U51b], 28 [block S105]; column 12, lines 48-53; column 13, lines 15-20; column 15, lines 33-49);

store means for storing the pause condition set by the setting means (Figure 20 [block 102]; column 13, lines 15-25; column 14, lines 35-60; column 22, lines 28-35);

pause means for making an execution of a document processing job satisfying the pause condition pause in response to a predetermined event (Figures 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12 [block S34], 28 [blocks S102, S104, S115, S116]; column 13, lines 30-62; column 16, lines 11-23);

a display for displaying the pausing jobs made to pause by the pausing means (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39);

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specifying means for specifying at least one job among the pausing jobs displayed on the display (Figures 7 and 8 [blocks U12a, U12c], 9 [block SU4], 10 [block SU27], 14 [block U34c], 16, 23 [block SO4], 25 [block U25c], 26 [block U62c], 27 [block U72d]; column 13, line 62 to column 14, lines 17; column 15, lines 20-33), and

stop means for stopping the specified job specified by the specifying means (Figures 7 and 8 [blocks U12b, U12d], 9 [blocks SU5, SU7], 10 [blocks SU21, SU28, SU30], 14 [blocks U34b, U34d], 16 [blocks U34b, U34d], 25 [blocks U52b, U52d], 26 [blocks U62b, U62d], 27 [blocks U72c, U72e]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26).

25. As per claim 19, Hisatake teaches a document processing job execution control apparatus comprising:

means for executing a plurality of document processing jobs including a copy job, a print job, and a facsimile job in a parallel manner (column 1, lines 12-15; column 15, lines 33-49);

setting means for setting a pause condition of a job except for a facsimile job (Figures 6, 7 [blocks U12a], 8 [blocks U12a, L2, L3, L4], 9 [block SU5], 10 [blocks SU21, SU28], 11, 12 [block S31, S34], 14, 16, 24a, 24b, 24c, 25 [blocks U51b], 28 [block S105]; column 12, lines 48-53; column 13, lines 15-20; column 15, lines 33-49);

store means for storing a first condition satisfied by a job which is stopped without any restriction in response to a predetermined event and a second condition satisfied by a job which pauses in response to the predetermined event (Figure 20 [block 102]; column 13, lines 15-25; column 13, lines 30-62; column 14, lines 18-60; column 22, lines 28-35);

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stop means for stopping the job satisfying the first condition in response to the predetermined event (Figures 7 and 8 [blocks U12b, U12d], 9 [blocks SU5, SU7], 10 [blocks SU21, SU28, SU30], 14 [blocks U34b, U34d], 16 [blocks U34b, U34d], 25 [blocks U52b, U52d], 26 [blocks U62b, U62d], 27 [blocks U72c, U72e]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26);

pause means for making an execution of a document processing job satisfying the second condition pause in response to a predetermined event (Figures 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12 [block S34], 28 [blocks S102, S104, S115, S116]; column 13, lines 30-62; column 16, lines 11-23);

a display for displaying the pausing jobs made to pause by the pausing means (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39); and

specifying means for specifying at least one job among the pausing jobs displayed on the display, wherein the stop means stops the job specified by the specifying means (Figures 7 and 8 [blocks U12a, U12c], 9 [block SU4], 10 [block SU27], 14 [block U34c], 16, 23 [block SO4], 25 [block U25c], 26 [block U62c], 27 [block U72d]; column 13, line 62 to column 14, lines 17; column 15, lines 20-33).

26. As per claim 21, Hisatake teaches a job execution method comprising the steps of:

executing a plurality of jobs in a parallel manner (column 15, lines 36-41);

making an execution of at least one of the plurality of jobs satisfying a predetermined pause condition pause independent of the remaining plurality of jobs in response to a

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predetermined event (Figures 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12 [block S34], 28 [blocks S102, S104, S115, S116]; column 13, lines 30-62; column 16, lines 11-23);

displaying the pausing jobs (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39);

specifying at least one job among the displayed jobs (Figures 7 and 8 [blocks U12a, U12c], 9 [block SU4], 10 [block SU27], 14 [block U34c], 16, 23 [block SO4], 25 [block U25c], 26 [block U62c], 27 [block U72d]; column 13, line 62 to column 14, lines 17; column 15, lines 20-33); and

stopping the specified job (Figures 7 and 8 [blocks U12b, U12d], 9 [blocks SU5, SU7], 10 [blocks SU21, SU28, SU30], 14 [blocks U34b, U34d], 16 [blocks U34b, U34d], 25 [blocks U52b, U52d], 26 [blocks U62b, U62d], 27 [blocks U72c, U72e]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26).

27. As per claim 22, Hisatake teaches a job execution method comprising the steps of:

executing a plurality of jobs in a parallel manner (column 15, lines 36-41);

stopping a job satisfying a predetermined first condition in response to a predetermined event (Figures 7 and 8 [blocks U12b, U12d], 9 [blocks SU5, SU7], 10 [blocks SU21, SU28, SU30], 14 [blocks U34b, U34d], 16 [blocks U34b, U34d], 25 [blocks U52b, U52d], 26 [blocks U62b, U62d], 27 [blocks U72c, U72e]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26);

making an execution of at least one of the plurality of jobs satisfying a predetermined second condition pause independent of the remaining plurality of jobs in response to the

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predetermined event (Figures 9 [blocks SU9, SU10], 10 [blocks SU32, SU33], 12 [block S34], 28 [blocks S102, S104, S115, S116]; column 13, lines 30-62; column 16, lines 11-23);

displaying at least the pausing job (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39);

specifying at least one job among the displayed jobs; and stopping the specified job (Figures 7 and 8 [blocks U12a, U12c], 9 [block SU4], 10 [block SU27], 14 [block U34c], 16, 23 [block SO4], 25 [block U25c], 26 [block U62c], 27 [block U72d]; column 13, line 62 to column 14, lines 17; column 15, lines 20-33).

Claim Rejections - 35 USC § 103

28. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

29. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatake in lieu of obviousness.

30. As per claim 10, Hisatake does not teach the additional condition to be defined as to whether the job corresponds to a background job, or a foreground job. It would have been obvious to one of ordinary skill in the art at the time the invention was made to teach the additional condition to be defined as to whether the job corresponds to a background job, or a foreground job in the display means taught in figure 8, block U2. One would be motivated to include such a function as to determine the importance of the job, and whether to perform any alterations on the job.

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31. As per claim 13, Hisatake teaches wherein the predetermined event is an operation of a predetermined key (column 13, lines 15-50).

32. Hisatake does not teach wherein the keys are provided on a portion except for the display. It would have been obvious to one of ordinary skill in the art at the time the invention was made to shift the location of the keys to a permanent location. See MPEP § 2144.04; see also *In re Japikse*, 181 F.2d 1019, 1023, 86 USPQ 70, 73 (CCPA 1970).

Conclusion

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704. The examiner can normally be reached on Monday thru Thursday 7-5.


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36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

37. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Christian LaForgia
Patent Examiner
Art Unit 2131

clf


EMMANUEL L. MOISE
PRIMARY EXAMINER